



# City of Annapolis

## Department of Planning & Zoning

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## Board of Appeals

March 4, 2014

The Board of Appeals of the City of Annapolis held its regularly scheduled meeting on March 4, 2014 in the City Council Chambers. **Chair** Zazzali called the meeting to order at 7:05pm.

**Members Present:** **Chair** Zazzali, **Vice Chair** Elkington, Meyers, Gallagher, Reyes Garcia

**Staff Present:** G. Elson, Dr. S. Nash, J. Rouse, K. Scott

The agenda was approved as revised to move approval of the minutes to the end of the agenda.

### **A. APPROVAL OF MEETING MINUTES**

#### **1. February 19, 2014 Meeting Minutes**

Mr. Gallagher moved approval of the minutes as written. **Vice Chair** Elkington seconded the motion. The motion passed unanimously in a vote of 4-0. (Reyes Garcia was not present at the meeting)

### **B. SIGNING OF OPINIONS**

There was none.

### **C. NEW BUSINESS**

There was none.

### **D. PUBLIC HEARING AND DELIBERATIONS**

#### **1. Anne Arundel County Public Schools Variance Request, VAR2013-013**

This application has been rescheduled to March 19, 2014.

#### **2. Royal Farms Appeal, #APL2014-001**

**Chair** Zazzali noted that the issue for the appeal is strictly on whether the Planning & Zoning should have prevented the application from moving forward to the Board of Appeals so there will be no public testimony. Mr. Elson added that is not an evidentiary hearing so there will be no public testimony.

Dr. Nash noted the department determined that the application was incomplete because the applicant declined a requested for information relating to the sales breakdown indicating that the requested information was proprietary. Staff noted that without the requested information, it is unable to determine whether the proposed use is a deli or convenience store so is unable to determine if it is a permitted use in the zoning district.

The Board recessed at 7:24pm to receive legal advice on the matter and reconvened at 7:29pm.

Mr. Hyatt referred to the application that he believes is complete noting that there was a request made in an email dated November 1, 2013 for a breakdown of the sales at a store that was not part of the application that he believe was not relevant. The applicant had concerns that the requested information would become available to the public. He noted that the applicant was never told that he had an incomplete application on file.

The applicant agreed to provide the percentages for the specific stores requested by staff. The recessed at 8:05pm to get legal advice and reconvened at 8:09pm.

The Board agreed to keep the appeal pending and if it is not resolved at the department level then the Planning and Zoning Department can come back for resolution. If it is resolved at the Department level then the applicant could withdraw the appeal so that the applicant can be heard by the Board. The Royal Farms appeal has been stayed pending 30 days to allow for Department and applicant resolution.

**Chair** Zazzali accepted the following exhibits into the record.

| Exhibit Number | Board of Appeals Exhibit Type                           |
|----------------|---|
| 1              | Hyatt letter date 11/15/13 in response to 11/3/13 email |
| 2              | November 3, 2013 email from staff                       |

**3. Beatty Variance, #VAR2014-002**

Mr. Scott presented the variance request for a reduced required waterway yard setback to allow the demolition of the existing house for replacement in the same location. The property is located at 7 Southgate Court, zoned R1 and located in the IDA zoning district. Staff supports the variance request for a reduce waterway yard as submitted.

Mr. Christhilf, Attorney, explained that the existing house does not comply with the waterway yard or R1 zoning setback because it was built before the code criteria. To accommodate the request, a 44-foot variance is required to the 47.6-foot average waterway yard.

Mr. Bauer, testified before the Board regarding the plat and noted that the there will be no detrimental impacts to the surrounding properties.

Mr. Beatty, Owner, noted that there was structural damage and water damage due to hurricane Isabel.

Public testimony opened at 8:36pm and no one from the public spoke in favor or opposition to the application so **Chair** Zazzali declared the public hearing closed at 8:37pm.

**Chair** Zazzali accepted the following exhibits into the record.

| Exhibit Number | Board of Appeals Exhibit Type                                 |
|----------------|---|
| 1              | Staff Memorandum dated February 25, 2014 with attachments     |
| 2              | Applicant's exhibit packet – Exhibits "1-11"                  |
| 3              | Letter from Southgate Harbor Condominiums dated March 4, 2014 |

**Deliberations**

**1. Beatty Variance, #VAR2014-002**

**Vice Chair** Elkington moved to approve the request for a reduced waterway yard. Mr. Meyers seconded the motion. The motion passed unanimously in a vote 5-0.

**E. ADJOURNMENT**

With there being no further business, Mr. Gallagher moved to adjourn the meeting at 8:44pm. Ms. Reyes Garcia seconded the motion. The motion passed unanimously in a vote of 5-0.